

**REMARKS**

Please reconsider this application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 1-12 are pending in this application. Claims 1 and 7 are independent. Claims 2-6 depend, directly or indirectly, from claim 1. Claims 8-12 depend, directly or indirectly, from claim 7.

**Amendments to Claims**

Claims 1 and 7 were amended to incorporate the limitations of claims 4 and 10, respectively. Accordingly, claims 4 and 10 have been canceled. No new matter has been added by way of these amendments.

**Rejections Under 35 U.S.C. § 102**

Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Application No. 2002-142177 ("Tomomitsu"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Independent claim 1 recites a data recording and reproduction apparatus comprising an input portion, a recording portion, a region management portion to determine what regions of the recording portion should be used for temporary or long term storage, and a control portion to control the recording portion based on inputs from the user. Claim 1 further recites that "when said region management portion alters said long term storage region into said temporary storage region more than once said region management portion alters into said

temporary storage region a region of said long term storage region adjacent to a region having been altered into said temporary storage region.” This limitation refers to a case when a user specifically decides not to permanently record data currently stored in a long term storage region, i.e. the user switches from a long term recording mode to a time-shift playback mode. When this happens multiple times, the apparatus creates multiple temporary storage regions to hold the data from the original long term storage regions. In this case, the apparatus places each of the temporary storage regions created after the first is created adjacent to a previously created temporary storage region. Advantageously, this configuration prevents fragmentation of temporary storage regions by forcing all converted temporary storage regions to be placed adjacent to one another.

Tomomitsu discloses a recording playback apparatus capable of switching from recording to a temporary store region to a long store region based on user instructions. However, Tomomitsu is completely silent with respect to the above discussed limitation of claim 1 concerning long store regions converted to temporary store regions. Further, Tomomitsu is also completely silent with respect to the general case of switching from recording to a long store region to a temporary store region.

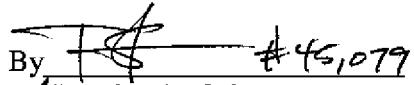
Because Tomomitsu fails to show or suggest each of the limitations of claim 1, claim 1 is patentable over Tomomitsu. Independent claim 7 contains the same patentable limitations of claim 1 discussed above. Therefore, claim 7 is also patentable over Tomomitsu. Dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04536/035001).

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Respectfully submitted,

By  #45,079  
Jonathan P. Osha *Thomas Schleske*  
Registration No.: 33,986  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant

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